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9 Attorneys for Defendants A.G. Spanos  
Construction, Inc.; A.G. Spanos  
Development, Inc.; A.G. Spanos  
10 Land Company, Inc.; A.G. Spanos  
Management, Inc.  
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12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 National Fair Housing Alliance, Inc., et al., ) CASE NO. C07-03255-SBA  
15 Plaintiffs, )  
16 vs. ) NOTICE OF MOTION AND MOTION  
OF DEFENDANTS A.G. SPANOS  
17 A.G. Spanos Construction, Inc., et al. ) CONSTRUCTION, INC., A.G.  
SPANOS DEVELOPMENT, INC., A.G.  
18 Defendants. ) SPANOS LAND COMPANY, INC.,  
AND A.G. SPANOS MANAGEMENT,  
INC. TO STRIKE VARIOUS CLAIMS  
19 FOR RELIEF SOUGHT IN  
PLAINTIFFS' COMPLAINT

20 [Fed. R. Civ. P. 12(f)]

21 Hearing Date: October 2, 2007  
22 Time: 1:00 p.m.  
Dept.: Courtroom 3

23 Complaint Filed: June 20, 2007

24 TO PLAINTIFFS AND THEIR ATTORNEY OF RECORD:

25 PLEASE TAKE NOTICE that on October 2, 2007, at 1:00 p.m., or as soon thereafter  
26 as this matter may be heard, in Courtroom 3 of the above-entitled court, located at 1301 Clay  
27 Street, 3<sup>rd</sup> Floor, Oakland, California, Defendants A.G. Spanos Construction, Inc., A.G.  
28 Spanos Development, Inc., A.G. Spanos Land Company, Inc., and A.G. Spanos Management,

1 Inc. ("Defendants") will and hereby do move this court, pursuant to Rule 12(f) of the Federal  
2 Rules of Civil Procedure, for an order striking various claims for relief sought by Plaintiffs  
3 National Fair Housing Alliance, Inc., Fair Housing of Marin, Inc., Fair Housing Napa Valley,  
4 Inc., Metro Fair Housing Services, Inc., Fair Housing Continuum, Inc. ("Plaintiffs").

5 The basis of this Motion, as set forth more fully in the accompanying Memorandum of  
6 Points and Authorities, is that:

- 7 1. **PLAINTIFFS' REQUEST FOR DAMAGES SHOULD BE STRICKEN**  
8 **BECAUSE DAMAGES ARE NOT RECOVERABLE AS A MATTER OF**  
9 **LAW.**
- 10 2. **PLAINTIFFS' REQUEST FOR PUNITIVE DAMAGES SHOULD BE**  
11 **STRICKEN BECAUSE PUNITIVE DAMAGES ARE NOT**  
12 **RECOVERABLE AS A MATTER OF LAW UNDER THE ADA, NOR**  
13 **MAY PUNITIVE DAMAGES BE RECOVERED UNDER THE FHAA IN**  
14 **THIS CASE.**
- 15 3. **PLAINTIFFS' REQUESTED INJUNCTIVE RELIEF REGARDING ALL**  
16 **APARTMENTS PREVIOUSLY BUILT IS NOT RECOVERABLE AS A**  
17 **MATTER OF LAW.**
  - 18 A. **Plaintiffs Have Failed to State a Claim for Injunctive Relief under**  
19 **the ADA Against These Defendants Because Plaintiffs Fail to Allege**  
20 **That These Defendants Are the Current Owners of the Subject**  
21 **Apartments.**
  - 22 B. **Plaintiffs Have Failed To State a Claim For Injunctive Relief Under**  
23 **the FHAA Because Plaintiffs Fail to Allege That These Defendants**  
24 **Are the Owners of the Subject Properties; Only Current Owners Are**  
25 **Liabe Under the FHAA.**

26 This Motion will be based upon this Notice of Motion and Motion, the Memorandum of  
27 Points and Authorities in support of this Motion, the Request for Judicial Notice in support of  
28 this Motion, and the pleadings, orders, records and documents on file in this case, as well as  
such oral and documentary evidence as may be properly presented at the time of the hearing on  
this Motion.

Opposition, if any, to the granting of the motion must be served and filed not less than  
twenty-one (21) days before the hearing date.

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1 If the party against whom the motion is directed does not oppose the motion, that party  
2 must file with the Court a Statement of Nonopposition within the time for filing and serving  
3 any opposition. See Local Rule 7-3(a) and 7-3(b).

4 Dated: August 15, 2007

FREEMAN, D'AIUTO, PIERCE, GUREV,  
KEELING & WOLF

5  
6 By 

LEE ROY PIERCE, JR.

7 Attorneys for Defendants A.G. Spanos  
8 Construction, Inc.; A.G. Spanos Development,  
9 Inc.; A.G. Spanos Land Company, Inc.; A.G.  
10 Spanos Management, Inc.